

J. H. MARTIN BOUND OVER BY JUDGE RHEES TO DISTRICT COURT

Prisoner Held Under \$20,000 Bond to Answer to the Charge of Assault With Attempt to Commit Murder—Veterinary Surgeon Who Dressed the Wounded Man's Legs and Dr. Osgood With His X-Ray Exhibits of Bullet Wounds Are Most Important Witnesses—LeRoy Eccles Tells of Telephone Calls.

The preliminary hearing of J. H. Martin, charged with assault with intent to kill David Edwards, which was expected to take the greater part of the week in Justice of Peace Reuben T. Rhees' court at Pleasant View came to a sudden termination at a late hour last evening and Martin was bound over to await the action of the district attorney in the sum of \$20,000. It is not thought that the man will be able to raise the bond, in consequence of which he will be required to remain in jail at least until he can have a trial before a jury of his peers.

Martin's attorney pleaded hard for a light bond, but Attorneys Jensen and Davis contended that the gravity of the offense and its close relationship to other offenses of like order was such that the man should be held under a heavy bond.

Mr. Rhees argued that inasmuch as Myron A. Smith, bound over to the grand jury on the charge of using the mails to defraud, is held under a bond of \$2500 for each charge, and that J. S. Higginbotham, bound over to the federal grand jury for using the mails to defraud, is held on a bond of only \$3000, both offenses being connected with the blackmailing schemes that have disturbed Ogden in recent months, that his client should be placed under a bond not much larger. He said the fact that Martin is a resident and property owner of the city and has a family and other relatives here should appeal to the court and that his client should be given an opportunity to gain his freedom, pending the action of the district court. But it was all to no avail.

The hearing was finished last evening at the conclusion of the testimony of Chief of Police W. I. Norton, the complainant, who related the statements made to him by the defendant since he has been at the city jail. Chief Norton stated that he had held conversations with Martin at different times in which the prisoner talked of the wounds in his legs and also of his trip to Evanston and Green River, Wyoming.

In a narrative way, in response to questions put by county Attorney David Jensen, Chief Norton said that he first became acquainted with Martin the day the man was arrested in the early part of December. It was at the chief's office at the police station and there were a number of persons besides himself and Martin present. Dr. Robinson, the county physician, asked Martin what was the matter with his legs and Martin said that he had boils on them. He called all the sore places on his legs both the left and the right, the chief said.

On December 5, when Martin was taken to Dr. Osgood's office for X-ray examination, the witness said he had told Martin that it looked as though he was up against it when he said the marks on his legs were boils, to which Martin replied that he had been only joking about it. At another time, Chief Norton said, Martin told him that if he were to tell where he received the gunshot wounds it would cause a divorce suit in his family and in another family, and that he would have a graver charge preferred against him. By this time the witness said, Martin had concluded to acknowledge that the wounds were not mere sores or

boils, but gunshot wounds. On December 6, the witness said, in answer to a question from Sheriff DeVine, Martin said that he was going east when he was shot and that he would rather think the bullets in his legs were 22 caliber rifle shots than buck shot.

Relating to the absence of Martin from the city immediately after the shooting on West Seventeenth street, Chief Norton said that Martin told him that he left on Monday, the 10th and had gone to Evanston for work. He said that he registered at a hotel there, and then continued on his way to Green River, Wyo., where he registered at a hotel, each time giving the name of J. H. Martin. He also claimed that he was gone only five days, returning home because he could find nothing to do.

L. R. Eccles, in his testimony, was quite positive that Martin is the man who conversed with him over the telephone on the morning of November 9 and told him to come to the lonely spot on West Seventeenth street with the money, and that he is the same man who wrote him to the effect that he would have to pay some money for the freedom of life. Mr. Eccles told of the telephone call about 2:20 a. m., November 9 and explained that he had given the advice he received regarding the manner of delivering the coin to Edwards, who was willing to deliver the money. He said that the bandit told him to come personally with the money, by driving a horse and buggy to Washington avenue and Seventeenth street, where the rig was to be tied to the fence and he should then proceed westward with the satchel containing the money, on west, passing the Fair Grounds, then on until he crossed three railroad tracks and a half mile beyond that, where if he had not met the bandit, he should retrace his steps until someone should accost him. He said that the bandit, while talking over the telephone with him told him that he might meet him on his way out or that he might not meet him until he was on his way back.

On the night of Martin's arrest, Mr. Eccles said, he went to the police station and listened to a conversation between two men, the voice of one of which he recognized as the one which had talked to him over the telephone. He was then taken into the room and heard the two men speak in his presence and he readily recognized Martin's voice as the one he had just heard and also the one he heard over the telephone. On cross examination Mr. Eccles confessed that voices would change under varying conditions and that they might not always sound the same over a telephone but he thought that in general intonation, pitch and force, a voice once fixed in mind could be readily recalled under ordinary circumstances. He would not be shaken in his belief that it was Martin who talked to him the morning that Edwards was shot and that he was the man who arranged for the delivery of the money.

Briefly relating the story of the early morning, Mr. Eccles stated that he met R. B. Porter, R. E. Bristol, L. A. McGee and others at the intersection of Twenty-fourth street and Jefferson avenue and that they drove

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If you don't know what to give—buy a Bond. It is an attractive, check like certificate, handsomely embossed in Christmas colors. You may buy these for any amount—they are good as cash to the recipient and good in all departments. (Glove Department)

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The winning prices which are now made on all furs, will be responsible for the fact that many will be given. The entire stock is on sale—from the cheapest scarf to the most elaborate set. You may select them now and pay for them later if you wish. (Second Floor.)

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In your trip of inspection, don't overlook the Second Floor. You will find a world of useful gifts here—gifts for the small girl as well as women. Many dainty little articles of wearing apparel are displayed which are not expensive.

In an automobile along Washington avenue toward Seventeenth street, and that when they heard the shooting they hurried to the scene where they found Edwards bleeding in the roadway. Mr. Eccles rushed to a nearby house, and telephoned for a doctor and advised the police department of what had happened. This was the first time he had told the police of the doings of the night, acknowledging that he had not advised the department nor the sheriff's office of the plans to catch the blackmailers.

Attorney Chess tried hard to make a point of the fact that Mr. Eccles had not conferred with the officers of the city and county, but the court sustained objections by County Attorney Jensen.

J. Orson Douglass testified to leading the shot guns of Edwards and Blair with shells containing buckshot and said that the shells were taken from the same house and were in the containing buckshot which was turned over to Dr. Osgood for an X-ray examination on Detective Edwards' leg. This examination was made for the purpose of showing that the buckshot in Martin's leg were the same as those used in Edwards' shotgun the night of the battle. Douglass also testified that he was familiar with the gun used by Edwards and that he had shown both of the detectives how to use it. The detectives were on guard at Mrs. David Eccles' home before the shooting and, not being familiar with the Browning shotgun had asked the witness to show them how to use it. He said that the shells were 12 gauge and that the shots were marked "3 14 buck." He turned over to the doctor shot from a shell taken from the same bin as those taken for use in the Edwards gun.

Thomas Chapple testified that he had known Martin for a number of years and that he had always found him to be a man of his word and dependable, and that he had had a personal acquaintance with him the past two years. He said that he had a date with Martin for a cock fight Sunday morning, November 9, but that Martin did not keep it. He had talked with Martin about a set of "gaffs" for a young fighting rooster and that Martin said he would bring them over to the fighting pens on Sunday and let his rooster try them out.

However, the witness said, the fight did not come off, principally because the chickens "did not weigh in right." Others besides Martin were not present, but the witness had paid no attention to that, as he had also been away from chicken fights upon which he was expected to attend. There was nothing binding on the engagement between the witness and Martin, the witness said, and he thought nothing of it. The chicken fight was scheduled for about 10 o'clock in the morning, the usual hour for such tournaments. On the tenth of the month—the day following the shooting—Chapple said that he went to Martin's home and inquired for him, but he was not there. The next time he saw him was on Thursday and Friday about ten days after the shooting. He attended a show at the Orpheum theatre and had a glass of beer with him. On one occasion Martin told the witness that, while fixing a chair on the back porch, he had accidentally fallen over it and sprained his ankle. He noticed that Martin walked a little stiff on the ankle but he paid no attention to it, as Martin's explanation satisfied him and the occurrence aroused no suspicion in his mind. On the night before they attended the chicken fight, but Martin told the witness that he had to see a man named Greenwell about business affairs.

Mr. Chapple said that while he had never seen Martin at work, he understood that he was working at his trade as a carpenter and that he always seemed to have money and spent it as freely as the other boys he had known of some carpenter job that Martin was on but he had never suspected him of wrongdoing. Dr. Henry Lee, the veterinarian of Morgan, told in a convincing manner his story of having dressed the wounds of a man answering the description of Martin in the barn of Joseph Francis on the night of November 9, and he said he was very positive that the man was the defendant Martin. He had since seen the wounds in Martin's legs and he declared that they are the same wounds that he attended to at Morgan. Dr. Lee explained that he was at the Francis place doctoring a horse when he came across the wounded man. He said it was early in the evening when the man came from the hay mow and asked him if he could do anything to ease the pain of his gunshot wounds, which he said had been inflicted while hunting geese in the vicinity of Ogden. The doctor said that he dressed the wounds and took some of the buckshot from them. He could only get out the shot near the surface as he had no instruments for deep probing. He had a good opportunity to see the man and he said that there could be no question in his mind but that it was Martin. He related how the man was offered lodging in the house by Mr. and Mrs. Francis, but refused the courtesy, saying that he would prefer to sleep in the hay.

Dr. A. A. Robinson, county physician, was called to testify to the examination he made of Martin's wounds on the night of the arrest. He said that Martin told him he had sores and boils on his legs, but that an examination disclosed conclusively in the mind of the doctor that they were gunshot wounds and he told Martin so. He said that Martin did not object to the examination, saying to the doctor to "go ahead and help yourself." The doctor also said that Martin remarked at the time that he had nothing to cover up, but that it looked as though they were having a sort of leg show.

Dr. C. F. Osgood exhibited the X-ray pictures of Martin's legs showing a number of gunshot wounds, one of which was lodged near the shin bone of the left leg. The doctor said that the X-ray had been used from different angles so as to get correct pictures of the wounds as regards to the size of the shot and the general nature of the wounds, to determine whether there had been boils or sores on the legs and also, as to whether there had been infection of the wounds since they were inflicted.

He said that the indications were that the wounds in Martin's legs had healed in about three weeks and that there were little signs of serious infection. The X-ray showed the doctor said, that the wounds were inflicted by gunshots, the bullets in the wounds being lodged near the bone of the left leg. The doctor said that the X-ray had been used from different angles so as to get correct pictures of the wounds as regards to the size of the shot and the general nature of the wounds, to determine whether there had been boils or sores on the legs and also, as to whether there had been infection of the wounds since they were inflicted.

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the shooting on November 9 of a positive nature, all the testimony being circumstantial and somewhat remote to the event which constitutes the basis for the charge of assault with intent to commit murder.

A significant feature of the evidence given at the hearing is the fact that all the witnesses stated that they were not seeking reward, even though there has been posted the sum of \$17,500 for the apprehension and conviction of the man or men who committed the blackmail and murderous deeds of the past few years.

Detective Edwards said that the Pinkerton agency forbids the receipt of rewards by any of its men and that he was seeking none. He said that he was testifying for the good of the community and for the purpose of suppressing crime.

During the entire hearing, Martin sat firmly and faced the witnesses without a trace of concern as to their identity and his stoicism was a marked feature of his countenance. He showed a remarkable self-composure and yet there could be seen in his face a labored expression that told on him during the day. He smiled occasionally.

Martin was undisturbed when the decision of the justice of the peace was given and his bond was fixed at \$20,000. He spoke to his wife and uncle and aunt, but briefly before departing with the officers for the city to again be placed in jail, and he had nothing to say on the way to the city. At the hearing he faced all the witnesses fearlessly and as the examination proceeded busied himself with a lead pencil with which he did no writing. He conferred with the counsel quite frequently and occasionally smiled at jocular remarks by attorneys and witnesses, but his smile came off readily and his countenance immediately reverted back to the determined, perturbed condition. His best smile came on when young Chapple, his friend, came to the stand to testify. The greeting between the two men was cordial and Martin seemed to feel that there was at least one friend in the courtroom as a witness. Chapple, however, was very frank in his testimony and he did not seek at any time to shield the prisoner in the affairs to which he testified. He told the court that he was there to tell the truth and nothing more.

Ben Barrett, 21 years old, a negro porter formerly employed in the railway postoffice terminal station, is in the city jail, a federal prisoner, on a charge of larceny of the United States mail pending against him. According to Postoffice Inspector L. A. McGee, Barrett has confessed that he took a registered package from the terminal station but destroyed the contents when he feared discovery. Barrett was arrested last night but the details were not forthcoming until today.

According to Inspector McGee, Barrett was doing janitor work in the station Monday when four registered letters fell from the rack. Three were replaced by the negro, it is said, but the fourth he took with him into another room and was opening it when the approach of a clerk caused him to throw the letter and contents down the sewer. The registered letter was from the Pacific Motor Supply company of San Francisco to Frank E. bank of Ely, Nev. The letter was being returned to San Francisco.

Lowe's are headquarters for Community and 1847 Silverware.

INCREASE IN THE WASATCH FOREST

E. H. Clarke, head of the Wasatch forest, now has under his charge 904,000 acres of reserve land, including in it the nurseries in Little Cottonwood near Salt Lake and five miles from Kamas on Beaver creek. Recent changes made by District Forester Sherman have added \$95,000 acres to the Wasatch forest.

It is anticipated that placing of the two nurseries under the same experienced hand will contribute to successful administration, as supplies the same experience will be applied to both nurseries and there will be economy in study and compilation of results.

Other changes have increased the

urer, F. William, sergeant at arms; F. H. Whitcomb, secretary; J. S. Daniels, chairman; P. T. Wright, N. L. Spurgeon, A. M. Miller, George Wilson.

In addition to the regular dancing and social features, the committee have arranged to serve punch and other refreshments and will present each guest with a souvenir program. The Shupe-Williams Candy company have made preparations to give each person in attendance a souvenir box of "Utahns." The party will commence at 9 p. m.

Last time tonight, Mary Pickford, in "Caprice," at the Globe.

PORTER CAUGHT WITH U. S. MAIL

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area of the Fillmore forest by 111,555 acres, the territory changed being the Scipio division of the Nebo forest. The Fillmore forest now comprises 690,000 acres.

The Manti forest with headquarters at Ephraim, is increased by 56,122 acres from the Nebo forest, so that its present area is \$44,712 acres.

"THE MASTER OF THE GARDEN,"

Appears at the Isis for the last time, pronounced by those who have witnessed



it to be the greatest production of its class, and exhibited a wonderful sermon. Mr. Carpenter, formerly of Ogden appears in the cast. Also an interesting picture of the Lady Lion Tamer and her wild beasts.

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